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Appl. No. 09/628,122
Amdt. Dated August 5, 2004
Reply to Office Action of April 19, 2004

REMARKS

The following remarks are responsive to the Office Action mailed January 15, 2004. Applicant would like to thank the Examiner for taking the time to conduct a telephone interview with Applicant on 27 July 2004. Applicant and the Examiner discussed the current outstanding Office Action in the hopes of developing and clarifying the issues contained therein and to advance the prosecution of the present application. These remarks serve as the Applicant's summary of the interview and Applicant respectfully requests reconsideration and allowance of the pending Claims.

Claims 1-49 are currently pending and any change in status (e.g. from "Original" to "Previously Presented") to any of Claims 1-38 is made to reflect the Preliminary Amendment that was submitted on 26 June 2001.

Claims 48 and 49 are currently amended to specify that the display in those claims is related to flat panel displays. Claim 50 is added to list possible flat panel display technologies.

Claims 51-55 are added to better claim the present invention and not added to address any prior art rejections in the case.

Accompanying this Amendment is an Information Disclosure Statement and a Petition for a one-month extension to extend the period of response to August 19, 2004.

Applicant notes with appreciation that Claims 1-5, 16-20, 31-39 and 42-46 are in condition for allowance and that Claims 7-10, 12-15, 22-25, 27-30 and 49 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening Claims.

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Claim Rejection under 35 USC § 102:

Claims 6, 11, 21, 26, 40-41, and 47-48 are currently rejected under 35 USC §102(e) as being unpatentable in view of Phan (US Patent Application No. 2003/0218618) (hereinafter "Phan 618 application").

Specifically, with respect to Claims 6, 11, 21, and 26, the Examiner posits that Phan 618 application discloses a three-color pixel element for a display comprising:

(1) a pair of red emitters symmetrically disposed about an origin of a rectangular coordinate system having four quadrants in a first pair of opposing quadrants (Examiner citing Figures 9.7 to Figure 12 in Phan 618 application);

(2) a pair of green emitters symmetrically disposed about an origin of a rectangular coordinate system having four quadrants in a second pair of opposing quadrants (Examiner citing col. 3, lines 14-63 and Figure 12 in Phan 618 application); and

(3) a blue emitter disposed at the origin of the rectangular coordinate system wherein said blue emitter having a emitting area larger than that of each red emitters and green emitters (Examiner citing Figures 6-8 and Figure 12 in Phan 618 application).

The Examiner states: in other words, Phan 618 application discloses pixel resolution wherein the static pixels are arranged in a predetermined manner. In Figures 10a to 11b, Phan 618 application discloses the blue emitter being larger than the green or red emitters. The emitters are in a rectangular coordinate system. Phan 618 application discloses a display comprising rectangular pixels with the resolution increased by formulation of the pixels, with x being the number of horizontal pixels and y

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the number of vertical pixels. Phan 618 application's system adjusts the light emitting area (i.e. pair of green emitters, pair of red emitters, and a blue emitter) and space of different individual elements in a pixel contoured by black mask or barrier ribs of the same structure to optimize the luminance and the brightness of a display.

With regard to Claims 40-41, and 47-48, the Examiner further posits that Phan 618 application teaches an image capture device substantially comprising a plurality of three-color pixel elements wherein each three-color pixel element comprises:

- 1) a blue emitter;
- 2) a pair of red emitters, and
- 3) a pair of green emitters (the Examiner citing Figures 9.7 to Figure 12 in Phan 618 application) ;

such that the red emitters and the green emitters form substantially a checkerboard pattern upon the image capture device (the Examiner citing Figure 12 of Phan 618 application). The Examiner continues to state that, in other words, Phan 618 application discloses a square shape pixels that comprises regularly disposed dots radiating the basic colours red (red dot), green (green dot) and blue (blue dot). Phan 618 application's system displays square static pixels. Static pixel corresponds to a well known grid pattern or raster of display. The dynamic pixels are shown in circular form. Each dynamic pixel comprises three dots representing the basic colours, as does each static pixel. In addition, Phan 618 application's system adjusts the light emitting area (i.e. pair of green emitters, pair of red emitters, and a blue emitter) and space of different individual elements in a pixel contoured by black mask or barrier ribs of the same structure to optimize the luminance and the brightness of a display. Phan 618

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application's system implements in a dual mode (HDTV video mode and computer text mode) in an HDTV enabled WebTV for internet browsing as well as for watching HDTV quality video.

Applicant respectfully traverses the outstanding rejection in view of Phan 618 application.

Claim 6 has, as at least one of its distinguishing claim limitations, a three-color pixel element for a display comprising "a pair of red emitters... a pair of green emitters ... and a blue emitter". This is clearly seen, for merely one example, in Figure 1a of the present application. Three-color pixel element 10 comprises: a pair of red emitters, a pair of green emitters and a blue emitter. Other examples of such three-color pixel element are therein disclosed. These three-color pixel elements represent a repeating sub-grouping that would substantially comprise a display.

By contrast, Phan 618 application does not teach, disclose or suggest any such three-color pixel element. As such, Applicant respectfully avers that Claim 6 is patentable over Phan 618 application and that Claim 6 be passed to allowance.

Additionally, for separate grounds for patentability, Claim 6 has the limitation that "said blue emitter ha[s] an emitting area larger than that of each of said red emitters and said green emitters".

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The Examiner asserts that Phan 618 application discloses the blue emitter being larger than the green or the red emitters in Figures 10a to 11b.

Applicant would, however, like to bring to the attention of the Examiner that the Phan 618 application is a continuation-in-part application of Serial No. 09/151,287 (now US Patent 6,661,429 – hereinafter “the Phan 429 patent”, with a filing date of September 11, 1998). The Phan 618 application, however, has a filing date of January 10, 2003 – later in time than the filing date of the present application (July 28, 2000). Thus, Applicant respectfully submits that any new matter that was introduced in the Phan 618 application that does not appear in the Phan 429 patent is not prior art to the present application and can not be properly used as the basis of any rejection for the present application.

As such, Applicant would point out to the Examiner that Figures 10a through 11b – found in the Phan 618 application – is not found in the Phan 429 patent. It is new matter and takes its effective prior art date as of January 10, 2003 and thus, may not be used as a basis for rejecting Claim 6.

Thus, for a second grounds for patentability, Applicant respectfully request that Claim 6 be moved through to allowance.

Claim 11 has, similar to Claim 6, for its claim limitations a three-color pixel element for a display comprising “a pair of red emitters... a pair of green emitters ... and a blue emitter”. Thus, for the reasons mentioned above in conjunction with Claim 6, Applicant respectfully submits that Claim 6 is patentable over the Phan 618 application.

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In addition, Claim 11 has the claim limitation that the "blue emitter ha[s] a larger drive-to-luminance gain than that of each of said red emitters and green emitters". Applicant respectfully submits that the Examiner has not found any teaching, suggestion or disclosure of this claim limitation in the cited art of record. As such, Applicant submits that this is a separate grounds for patentability and that Claim 11 should now be passed through to allowance.

Claim 21, similar to Claim 6 above, comprises limitations such as "a pair of red emitters, ... a pair of green emitters... and a blue emitter" -- as well as "said blue emitter having an emitting area larger than that of each of said red emitters and said green emitters". For similar reasoning as applied to Claim 6 above, Applicant respectfully requests that the Claim 21 be passed through to allowance.

Claim 26, similar to Claim 11 above, comprises limitations such as as "a pair of red emitters, ... a pair of green emitters... and a blue emitter" -- as well as "said blue emitter having a larger drive-to luminance gain than that of each of said red emitters and said green emitters". For similar reasoning as applied to Claim 11 above, Applicant respectfully requests that Claim 26 be passed through to allowance.

As Claims 40-41, the Examiner avers that the Phan 618 application teaches "an image capture device" substantially comprising a plurality of three-color pixel elements as claimed. Applicant respectfully submits that Phan -- in addition to not teaching the three-color pixel element as claimed -- does not teach the use of such three-color pixel

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element upon any sort of "image capture device" (e.g. camera or the like). As such, Applicant requests that Claims 40-41 be passed through to allowance.

Claim 47 is directed to "[a]n image storage device" comprising a plurality of storage locations that are associated with the three-color pixel elements. Applicant respectfully submits that the Examiner has not shown any prior art of record in which an image storage device comprises storage locations that are so associated. As such, Applicant respectfully requests that Claim 47 be passed through to allowance.

Claim 48, as currently amended, is directed to a flat panel display that substantially comprises a plurality of three-color pixel elements further comprising: a blue emitter, a pair of red emitters; a pair of green emitters such that the red and the green emitters substantially form a checkerboard pattern and such that each said emitter is independently addressable. Applicant respectfully submits the Phan 618 application does not teach, suggest or disclose that a display panel substantially comprise a repeating grouping that further comprises a pair of red emitters and a pair of green emitters such that the red and the green emitters substantially form a checkerboard pattern. Without such teaching, suggestion or disclosure, Applicant respectfully submits that the present rejection of Claim 48 is improper and Applicant requests that Claim 48 be passed through to allowance.

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Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that all pending Claims are patentable over the cited art of record and are in condition for allowance. Therefore, Applicant requests the Examiner to reconsider and withdraw the outstanding rejection and pass this application to allowance.

If the Examiner believes a telephone conference would expedite the allowance of the claims, the Examiner is invited to contact Stuart P. Kaler at (707) 824-2487.

Respectfully submitted,

Dated: 5 August 2004

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